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Convention on the Rights of the Child

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Committee on the Rights of the Child
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Summary record of the 1944th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Thursday, 15 January 2015, at 3 p.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of the United Republic of Tanzania (CRC/C/TZA/3-5; CRC/C/TZA/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the United Republic of Tanzania took places at the Committee table.*

2. **Ms. Chana** (United Republic of Tanzania), introducing the third to fifth combined periodic reports of the United Republic of Tanzania (CRC/C/TZA/3-5), said that the Government had consulted various stakeholders, including the Commission for Human Rights and Good Governance and civil society, in the course of preparing the report. It should be noted that the Government had submitted its written replies to the list of issues prior to the adoption of the country's new Constitution, which expressly guaranteed the protection of children's rights.

3. The Government had significantly increased the proportion of the State budget allocated to the ministries and State institutions responsible for children's affairs and had begun to implement the Five-Year Strategy for Progressive Child Justice Reform (2013–2017) on the mainland, and the Five-Year Strategy for Child Justice Reform (2013–2017) in Zanzibar. Other developments included the adoption of standard operating procedures for dealing with victims, the creation of a register for collecting data on children and the development of a framework for monitoring and evaluating the implementation of the two five-year strategies for child justice reform. Furthermore, a large number of special units responsible for dealing with gender and children's issues had been set up in police stations. The police officers manning those units had received special training on those issues. The Government had also adopted a set of legal reforms intended to bring all programmes, policies and laws concerning children into conformity with international human rights standards.

4. In a recent policy statement, the Government had announced its intention to provide all children with free compulsory primary and secondary education. Moreover, in 2014, the President of the United Republic of Tanzania and the President of Zanzibar had declared their intention to achieve universal secondary education. The Government's new education policy would address a wide range of education-related issues, including the protection of girls in schools.

5. The Government of the United Republic of Tanzania was aware of the challenges preventing it from effectively implementing the Convention and its Optional Protocols. It was working to overcome those challenges by allocating more budgetary resources to the ministries and State institutions responsible for children's affairs and by consulting relevant stakeholders, in an attempt to change attitudes towards the traditions, beliefs and customs that had an adverse effect on children's welfare and infringed children's rights. The Government of the United Republic of Tanzania remained committed to promoting and protecting children's rights and would continue to fulfil its obligations under the Convention and other international human rights instruments.

6. **Mr. Mezmur** (Country Rapporteur) said that the enactment of the Law of the Child Act (2009), which was applicable in the mainland, and the Children's Act (2011), which was applicable in Zanzibar, and the fact that the new Constitution elevated the status of children's rights, were all positive developments. He asked whether adequate financial resources had been allocated to the various national action plans aimed at improving the situation of children, such as the Multisector National Plan of Action to Prevent and Respond to Violence against Children (2013–2016), and what the status of implementation of those plans was. He also asked how the new Integrated Early Childhood Development

Policy improved upon the Child Development Policy (2008) and whether it covered childhood care. He wished to know how the State party ensured the effective coordination of activities related to the implementation of the Convention on the mainland and in Zanzibar, and how it prevented duplication of efforts among the different departments, ministries and authorities responsible for children's affairs.

7. The Committee had received reports that the State party remained heavily reliant on donor funding to carry out programmes to protect and assist children. He asked whether those reports were accurate and, if so, how the State party planned to remedy that situation. He would also be interested to know whether the increased budgetary resources allocated to certain sectors took into account the growing number of children in the State party. He invited the delegation to explain why additional budgetary resources had not been allocated to all sectors. He asked whether the State party planned to modify the pre-primary and primary curricula to include a component on the Convention, and what results the various campaigns to raise awareness of the Convention had yielded. He also wished to know whether the State party had taken steps to reduce duplication of efforts in data collection and whether the different surveys conducted by the State party collected comprehensive disaggregated data on children.

8. The Committee had also received reports that the State party often relied upon civil society organizations to provide a number of basic services to children. He asked whether those reports were founded and, if so, why that was the case. He also asked how the State party envisaged improving its coordination with civil society in general. Noting that birth registration remained a serious challenge in the State party, he asked what measures the State party had taken to raise the rate of birth registration, especially in rural areas, and when the proposed amendments to the Birth and Death Registration Act would be adopted, as they could serve to accelerate progress in that regard.

9. **The Chairperson**, speaking in her capacity as Country Rapporteur, said that, despite the enactment of the Law of the Child Act (2009) and the Children's Act (2011), and the adoption of various national action plans aimed at improving the situation of children, the State party still faced many challenges, including the low rate of birth registration, the high rate of preventable maternal and infant mortality and morbidity, the high level of malnutrition among certain groups of children, the barriers to accessing primary education faced by some groups of children, and the prevalence of sexual violence against girls, corporal punishment and harmful traditional practices. More budgetary resources were needed to ensure the effectiveness of the national action plans and other strategies to combat those phenomena. The State party should build the capacity of those responsible for implementing those action plans and strategies and establish effective mechanisms for monitoring and evaluating their impact.

10. **Mr. Kotrane** asked whether the State party intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance or the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

11. Noting that the United Republic of Tanzania had a dualist legal system and that, as a result, international instruments had to be incorporated into domestic legislation and could not be invoked directly before the courts, he noted with concern that some of the provisions of the laws enacted for that purpose, namely the Law of the Child Act (2009) and the Children's Act (2011), were not aligned with those of the Convention. The Committee was particularly concerned by the fact that children as young as 14 could marry with the permission of their parents or a judge, and by the discrepancy between the age of criminal responsibility and the minimum working age established in those laws and those

established in the Convention. He asked whether the State party planned to undertake a further legal reform to bring the two laws into full conformity with the Convention.

12. **Mr. Cardona Llorens**, noting the importance of the revenue generated by the extractive industries in the United Republic of Tanzania, asked whether there was a law on corporate social responsibility that regulated the companies in that sector; how the revenue generated by those industries had benefited local communities; and what measures were in place to ensure that the activities carried out by the companies in that sector did not endanger the safety of the children of those communities or infringe their rights.

13. **Ms. Oviedo Fierro** asked whether the children's councils referred to in paragraph 55 of the State party's report were the same as those referred to in paragraph 58. She asked how the State party ensured the inclusion of children from marginalized groups and different socioeconomic backgrounds in those councils, and how the functions of the child rights committees and children's clubs also mentioned in the State party's report differed from those of the children's councils. She also wished to have details of the functions of the steering committee set up to coordinate the children's councils.

14. She enquired about the impact of the programme broadcast on the radio and on television six times per month in which children could express their opinions and air their grievances to the general public, and whether the Government took account of those opinions and grievances. She also wished to know what measures the State party had taken to protect children who used the Internet and details of the content of the guidelines issued to Internet service providers and owners of Internet cafés. She asked whether the State party had made efforts to raise the awareness of parents of the potential risks associated with using the Internet and whether schools taught children about Internet safety. Lastly, she asked how the laws guaranteeing the protection of children who had been removed from the custody of their parents were applied and how the application of those laws was monitored.

15. **Ms. Winter** requested additional information on the recent spate of murders of persons with albinism. She would also like to know whether the culprits had been identified and brought to justice. Noting that the State party had reduced the level of assistance that it provided to migrants, asylum seekers and long-term refugees on account of the economic crisis, she asked whether it had envisaged taking other less costly measures to assist those vulnerable groups, and in particular young girls, in the interim.

16. **Mr. Gurán** requested additional information on the status and functions of the Commission for Human Rights and Good Governance. He asked whether the Commission could receive individual complaints from children and, if so, how many it had dealt with. He also wished to know how many staff worked for the Commission and whether they had been provided with special training on children's rights.

17. **Mr. Mezmur** requested information on the efforts made by the State party to prevent violence against children, in particular children with albinism. In that connection, he asked how the authorities planned to enforce a recent ban on witch doctors. Comment on seemingly changing attitudes towards corporal punishment, as evidenced by the Government's intentions to abolish corporal punishment in schools, would also be welcome. In addition, he wished to know what steps the Government had taken to implement the recommendations of a comprehensive study of violence against children. The Committee would also appreciate comment on the continued high rates of female genital mutilation, to which girls were being subjected at ever-younger ages, in part, it seemed, because younger girls were less likely or unable to report the practice.

18. **The Chairperson** asked what approaches the State party was taking to combat discrimination not only against children with albinism but also against children with disabilities, pregnant girls and girls with babies.

The meeting was suspended at 3.55 p.m. and resumed at 4.25 p.m.

19. **Ms. Chana** (United Republic of Tanzania) said that implementation of the Convention was coordinated at cabinet level in order to prevent overlapping efforts and budget overruns. The Governments of Zanzibar and the Mainland were represented on a joint coordinating committee. Coordination also involved cooperation with the non-government sector.

20. Greater awareness of the rights of the child in the country had led to greater understanding of those rights. Violence against children, which had once seemed unremarkable, was currently a topic of considerable interest. Corporal punishment, a legacy of the master-slave relationships that had prevailed before independence, remained widespread, including in school. The revolutionary Government of Zanzibar had banned corporal punishment in schools and instituted alternative forms of discipline; on the Mainland, corporal punishment in schools was currently permissible only with the consent of the head teacher, and in no case could it involve the administration of more than three strokes. Ways of abolishing the long-standing practice of corporal punishment altogether were being looked into. First, however, attitudes would have to change. Parents of unruly children, for example, would have to stop giving their children's teachers tacit or even explicit encouragement to discipline them roughly.

21. Article 53 of the country's new Constitution, on which a referendum would be held in April 2015, defined a child as any person under 18 years of age. Once the Constitution was approved, all laws would be amended to ensure that they were not unconstitutional. At that point, it would be possible to address child marriage properly.

22. Companies in the mining industry were socially responsible and supported the communities in the areas in which they operated. In addition, Tanzanian labour law prohibited child labour, and unannounced inspections were carried out to ensure compliance with all laws and regulations regarding child labour.

23. Female genital mutilation was also prohibited by law. Nonetheless, in December and January, when schools were closed for the holidays, parents in rural areas often subjected their daughters to the practice. Just recently, five girls had run away, seeking outside help, to avoid having their genitals mutilated; that girls currently dared run away was evidence in itself of their greater awareness of their rights.

24. **Mr. Cardona Llorens** said that the question about the mining industry did not particularly concern child labour; rather, he wished to know whether the State party had established any standards that required social responsibility of the mine operators and to what degree the inhabitants of the areas affected by large mining developments benefited from the current inflows of foreign direct investment. He also asked what steps the Government was taking to ensure that children were protected from the ills, such as prostitution, that often accompanied the large movements of persons and money that went hand in hand with the expansion of the mining industry.

25. **Ms. Chana** (United Republic of Tanzania) said that she and her delegation had taken note of Mr. Cardona Llorens's questions and would respond in due course.

26. **The Chairperson**, noting that the Committee had received reports of children being subjected to corporal punishment while in police custody, asked whether the laws regarding corporal punishment had been amended and whether non-violent forms of discipline were promoted.

27. **Ms. Oviedo Fierro** commended the bravery of the five girls who had reported their parents' plans to have them undergo genital mutilation but asked what support and protection they had been offered by the authorities.

28. **Ms. Chana** (United Republic of Tanzania) said that the girls had been transferred to single-sex boarding schools. Several such schools had been opened to protect girls from a number of risks, including the risk of unwanted pregnancy. Regarding corporal punishment, she said that teachers did not always respect the conditions under which it was explicitly authorized.

29. **The Chairperson** pointed out that under the Convention, corporal punishment was not to be used, even if it was approved by a head teacher. Strict discipline, which children were known to require on occasion, should take non-violent forms.

30. **Ms. Winter** suggested that the State party would do well to learn from the practices of countries in which teachers had been trained in non-violent disciplinary methods.

31. **Ms. Oviedo Fierro**, returning to her previous question, said that transferring girls to boarding schools could not be anything but a short-term response. Parents' attitudes would have to change. She therefore wished to know whether any public policies with longer-term, farther-reaching goals had been put in place. Without such policies, the only solution would be to send all the country's schoolgirls to boarding schools.

32. **Ms. Chana** (United Republic of Tanzania) stressed that performing female genital mutilation had been made a criminal offence. Rural villagers sometimes asserted that it was a traditional part of the culture, but research had suggested that it was in fact a source of income, especially for older women. Officers of the Ministry of Community Development, Gender and Children, who were available in all villages, therefore provided advice on alternative income-generating activities. In sum, criminalization and efforts to change people's attitudes were the pillars of the country's long-term measures to end female genital mutilation. She agreed that it was important for head teachers to be given training in non-violent disciplinary methods. Corporal punishment was counterproductive, and for that reason efforts were being made to ban its use in schools.

33. **Mr. Missani** (United Republic of Tanzania) said that child protection guidelines had been developed for teachers. It was hoped that within one year the use of corporal punishment in schools would be greatly reduced.

34. Regarding the implementation of the country's plans of action, he said that multi-sector meetings were held every quarter. Every sector dealing with children's affairs attended meetings at which progress was reviewed and potential obstacles were identified. In addition, local committees collected information on families with vulnerable children, which was then used by the Tanzania Social Action Fund to meet those families' needs. A steering committee reported to the Prime Minister on the extent to which the country's plans and strategies had been implemented. Codes of conduct for teachers, which had not been reviewed since 1961, had recently been revised to touch on issues regarding children's rights. Once that work had been done, the Government began considering the possibility of a curriculum review, as part of which children's rights would become a topic of study in primary schools.

35. The Child Development Policy, adopted in 2008, had been reviewed in order to ensure that more emphasis was placed on early childhood development. As part of the policy, prospective parents were currently given parenting advice and training. In all its efforts to improve the lot of children, and especially in the interior, the Government learned from and was greatly aided by NGOs. The latter were also a great source of information on the degree to which the Government's plans and programmes were successful on the ground.

36. In 2012, civil registration of the births of children under 5 years of age had been rendered free of charge in a number of pilot areas. Finding the resources was a problem, but it was expected that the pilot programme would shortly be expanded to other areas. As part

of the birth registration drive, officials visited primary and secondary schools, seeking students whose births had never been registered. The price of birth registration of children over 5 was 7,000 Tanzanian shillings, down from as much as 20,000 Tanzanian shillings previously.

37. **The Chairperson** asked how birth registration proceeded for children over 5. Was a probable age estimated?

38. **Mr. Missani** (United Republic of Tanzania) said that birth certificates were issued based on information provided by the child's parents.

39. **Mr. Mezmur** requested confirmation that birth registration was free for children under 5 in all the country's regions. He also wished to know whether the Tanzanian Government considered empowering local authorities to register births as a challenge. Obtaining birth certificates was often prohibitively expensive for rural families. A comment on whether the Tanzanian authorities had considered mobile registration services would therefore be welcome. Lastly, he said it was his impression that some core activities, such as the provision of psychosocial support services to child victims and witnesses, were being outsourced to NGOs and wondered whether that outsourcing did not pose certain risks.

40. **Mr. Missani** (United Republic of Tanzania) said that in the regions where the pilot programme had been implemented, ward executive officers and clinic officers were responsible for registering births and issuing birth certificates. In those three regions, that responsibility had thus been transferred to local officials. In addition to the price, the need to travel long distances to obtain a birth certificate had been reduced.

41. **Mr. Mero** (United Republic of Tanzania) said that when a baby was delivered, the hospitals and clinics where the delivery took place were required by law to provide a certificate, which was then used to complete registration procedures and obtain an official birth certificate. Even he himself had such a certificate, and he had been born before independence.

42. **The Chairperson** said she took it that Mr. Mero was referring to a document known as a birth extract, which was not the same as a birth certificate. The extract could be used to obtain a birth certificate, and it was of great use, as it obviated the need for a complex examination to estimate the person's age.

43. **Mr. Missani** (United Republic of Tanzania) said that the Government and civil society organizations both worked to address social issues affecting children. Satellite schools had been established in remote areas, and children's councils had also been set up at the ward, district, regional and national levels. A forum specifically for children with disabilities enabled them to express their concerns about various issues, which were then submitted to the National Children's Council. In 2012, the latter had even met with the President to convey children's views on pertinent issues.

44. In some regions, children were effectively participating in local radio and television programmes as a way of voicing their concerns, and staff members of agencies working in the fields of development and social services had been trained in ways of launching and running community radio services. The guidelines prepared for parents to improve their parenting skills included information on teaching children about the proper use of mobile phones and the dangers they might pose. Mobile phones were prohibited in most schools.

45. **The Chairperson** asked whether the guidance provided to parents included information on alternative forms of discipline to be used in lieu of corporal punishment.

46. **Mr. Missani** (United Republic of Tanzania) said that that topic was covered in the guidelines.

47. **The Chairperson** asked whether the Government was taking any steps to prevent child marriage in Tanzania.

48. **Mr. Mezmur** asked the delegation to clarify whether the amendment to the Law of Marriage Act of 1971 would be declared null and void, given that it violated the constitutional provision concerning the definition of the child. He wished to know whether the Government had made any effort to determine the age of victims of mob justice and, if so, whether any of those victims had been under 18 years of age. Lastly, he wished to know the current status of the draft children's policy in Zanzibar and the time frame for its adoption and implementation.

49. **Ms. Khamis** (United Republic of Tanzania) said that the adoption of the policy had been delayed due to discussions on whether or not a separate policy should be drafted on early childhood development. It had been decided that early childhood development issues would be included in the overall children's policy, which it was hoped would be adopted and implemented in 2015. The Government would need support from international development partners to carry out that task.

50. The Government was not outsourcing its responsibilities to civil society organizations but instead worked in cooperation with them to provide services to children in remote areas. In Zanzibar, children were first registered with a local government office, which issued a document that they could submit to the registrar in order to obtain a birth certificate. Data on issues affecting children were collected from a number of government bodies and were reported to the Ministry of Empowerment, Social Welfare, Youth, Women and Children, but there was a need for a centralized database.

51. A committee on violence against children held quarterly meetings to discuss that issue. The Ministry of Empowerment, Social Welfare, Youth, Women and Children included a department that dealt with child protection matters and another that was responsible for child advocacy and awareness-raising on matters affecting children.

52. **Mr. Missani** (United Republic of Tanzania) said that a campaign titled "Child Marriage-Free Zone" had been launched in the Mara region and would be expanded to cover the whole country. The Government used television and radio campaigns and the aforementioned parenting guidelines to disseminate information to parents on protecting their girls from early marriage. A helpline was in place to receive reports about girls at risk of early marriage. Reviews of the Government's work to eliminate violence against children had shown that further efforts were needed with regard to early marriage, and in response the Government was developing activities in that area.

53. **Ms. Oviedo Fierro** asked how children's participation through radio and television programmes was contributing to the elimination of harmful practices such as child marriage and female genital mutilation.

54. **Ms. Mayao** (United Republic of Tanzania) said that a study on violence against persons with albinism had uncovered only 54 genuine cases of such violence. Of those, 5 were still pending, 9 were being heard at the high court level, 3 were being heard by courts of appeal, 4 had resulted in acquittals, 5 had resulted in sentences of life imprisonment, 8 were still under investigation and 20 had been dismissed by the prosecution. Her Government had noted the Committee's concern about the age of majority, which would be set at 18 years of age following the adoption of the proposed Constitution. Traditional healers found to be involved in violence against persons with albinism were facing legal action, and those who were licensed had had their licenses revoked. The Government faced challenges in bringing charges against those healers, as the local communities were generally unwilling to help identify them. Her Government would thus appreciate any recommendations the Committee might have on how to more effectively bring the healers to justice.

55. **The Chairperson** asked whether the Government was taking any initiatives to lower the high maternal mortality rate.

56. **Mr. Mezmur** asked what the Government was doing to ensure that establishments offering residential care for children deprived of a family environment were legally registered and that they complied with the minimum standards of care established by law. Efforts were also needed to ensure that children were placed in such facilities only after an assessment had been conducted by a social worker. He requested statistical data on intercountry adoptions and asked how the Government dealt with intermediaries and issues of improper financial gain. He asked whether the State party intended to ratify the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. He wished to know the status of the proposed regulations on child day care and the time frame for their implementation.

57. He asked what the Government was doing to address the recent decline in primary school enrolment, and he requested updated statistical data on that issue. He welcomed the introduction of an alternative model for secondary education but was concerned that it was not widely accessible to children in rural areas. He asked if there was any legal basis for the expulsion of pregnant girls from school, and he urged the Government to take measures to address the many violations of their rights, including by prosecuting persons who had sexually abused them. He wished to know what was being done to address the shortage of teachers and of textbooks and other materials in schools, particularly in the light of insufficient budget allocations for education.

58. **Ms. Oviedo Fierro** asked what activities had been undertaken to promote breastfeeding as part of the World Breastfeeding Week celebrations. She wished to know more about the role of the High-Level Steering Committee for Nutrition in monitoring the promotion of breastfeeding throughout the country.

59. **Mr. Cardona Llorens** said that children with disabilities continued to suffer from stigmatization, especially in rural areas, and that their parents sometimes chose not to make use of the programmes available out of a sense of shame. He therefore wished to know whether any awareness-raising measures were planned in that regard. He asked whether the Government planned to provide early diagnosis programmes free of charge through the public health-care services. He wished to know how many children with disabilities attended school, and how many of those received inclusive education in mainstream schools. The progress made in reducing child mortality appeared to have slowed in recent years, and he asked what was being done to address that situation. He also asked whether sexual and reproductive health education was provided to young people so as to prevent teen pregnancy.

60. He was concerned by reports indicating that children as young as 8 years old were working in the small-scale mining industry, and he wished to know how much money the Government planned to invest in programmes to ensure that families had sufficient economic resources so that they would not have to send their children to work in the mines. Mining practices involving tasks that could only be performed by small children should be prohibited, and he asked whether inspections were carried out in that regard.

61. He asked how many juvenile detention centres were operating in the country and whether children were placed in detention together with adults. He wished to know whether judges could hand down sentences that included corporal punishment. Lastly, he asked whether the Government planned to expand the specialized juvenile court system to cover the whole country.

62. **Ms. Al-Shehail** asked what measures were being taken to provide adequate nutrition training to health-care staff, enact legislation to create a supportive environment for better nutrition, and allocate resources to local governments to address gaps in knowledge about

nutrition. She wished to know the reasons for the shortcomings in the health-care system and asked what was being done to improve health-care services for children. Lastly, she wished to know about any measures to prevent drug abuse among children and to support children recovering from addiction.

63. **Mr. Kotrane** said that the Committee was concerned about the economic exploitation of children in Tanzania and asked what mechanisms were in place to monitor the situation, noting that the labour inspectorate did not always have access to the sectors in which the most flagrant violations occurred. He asked what steps were planned to address the issue of street children and noted that those children should be treated as victims rather than criminals. The recruitment of children into armed conflict was a separate issue from that of child labour and should be classified as a separate offence.

64. He asked whether all provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been incorporated into national law. He was concerned by the fact that, while recognizing the principle of extraterritorial competence, the State party did not apply that principle to all offences referred to in the Optional Protocol.

The meeting rose at 6 p.m.